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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,643	03/15/2002	George Koppich	66329/14868	2223
23380	7590	03/09/2006		
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475			EXAMINER JENKINS, KIMBERLY YVETTE	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/099,643

Applicant(s)

KOPPICH, GEORGE

Examiner

Kimberly Jenkins

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Amendments filed on December 16, 2005 for Application No. 10/099643 regarding amended claims 21 and 27 have been acknowledged by the Examiner. corrected drawings of Fig. 1 have been review, are in compliance with 37 CFR 1.121(d), and can be entered.

### ***Response to Arguments***

2. Applicant's arguments, see p. 5, filed December 16, 2005, with respect to the rejection(s) of claim 21 have been fully considered. On p. 5, the Applicant argues that Dutta does not disclose the assigning of the most recent used function to a secondary key to allow for quick re-access to the that particular function; however, that limitation is not claimed within claim 21. However, the Applicant claims a first and second set of actuable elements that have an associated subset of functions, which is different from the arguments of the Applicant. In turn, arguments are not persuasive.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 21-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Dutta et al. (US 6724370).

Regarding claims 21 and 27, Dutta, who teaches a customizable data processing system, expressively discloses a user interface 302 or 502 (touch-screen, Figs. 3-5) including a plurality of actuable input elements 504 (customizable keyboard) wherein each input element is adapted for association with at least one of a plurality of functions associated with a document processing operation, such as the input of alphanumeric data (col. 3, lines 57-65). Additionally, Dutta discloses a first and second set of actuable elements with corresponding functions (col. 3, lines 50-67 consisting of characters and function keys). Dutta also discloses the means adapted for receiving selection data representatives of a selected subset of the plurality of functions associated with the document processing operation by way of the processor 204 (col. 3, lines 12-20). Dutta

discloses selected subset of functions as including data entry (being that the system is a data entry device) and also configuration/customization of the virtual keyboard (col. 4, lines 13-29). The sensing means that is adapted for sensing the actuation is inherent, because touch-screen keypads have a means of detecting the pressure applied by a finger or stylus in order to actuate the keys (col. 3, lines 42-49).

Regarding claims 22 and 28, Dutta discloses selection data is defined by at least a frequently invoked document processing operation request, such as a customized keyboard that is utilized several times by a particular user (col. 3, lines 20-22).

Regarding claims 23 and 29, Dutta discloses an indicator as being a color (col. 4, lines 30-34).

Regarding claims 24 and 30, Dutta discloses teaches a keypad (input element) wherein the indicating arrangement comprises at least one virtual key (one of the keys on the touch-screen i.e. "Menu", "Applications", etc. as illustrated in Figs. 1-10).

Regarding claims 25 and 31, Dutta discloses the virtual key as being located apart from the actuable input elements 304 as illustrated in Fig. 5.

Regarding claims 26 and 32, Dutta discloses actuable input elements 304 are alphanumeric input elements (Figs. 3-5).

*Conclusion*

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jenkins whose telephone number is 571.272.3064. The examiner can normally be reached from Monday – Friday between the hours of 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571.272.3068. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimberly Jenkins  
Examiner  
Art Unit 2635  
23 February 2006

KYJ

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

